G. R. S. 59] GPB—15,000—22-7-14

GENERAL AND REVENUE SECRETARIAT.

1896-1897

~~191~~.

(Murai)

File No. 74.

Serial Nos.

Papers Filed.

Month December 1897

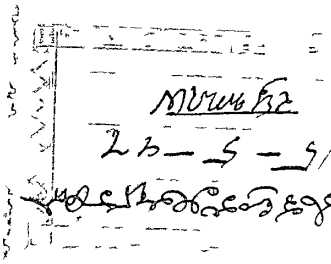
SUBJECT.

Petition from Pujari Boovay of Belagatta appealing against the Commissioner's order dismissing suit for a declaration of his right to the Pujari Ship of the Shrine of Sure Veerabhadraswamy Betta

PREVIOUS REFERENCES. LATER REFERENCES.

Reg: No 1736

Ad 15-5-97



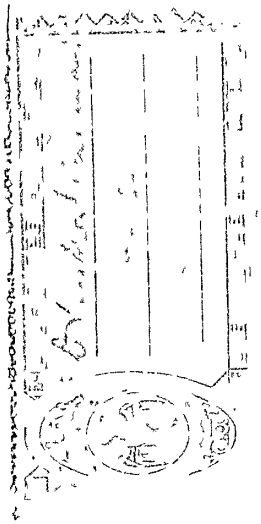
Lead for to record Ors

The Inuzaroo Superintendent
Bangalore.

Ms Petition No of 1896-97.

Petitioner :- Poojaru Boraya, minor by his next friend Obavva of Belaghatta, Chitaldroog Taluk.

Counter Petitioners :- 1 Sanna Pampaya
2 Papaya Son of Obaya
3 Pedana Kalaya
4. A. Dodda Oba
5. Sanna Kata



The Petitioner above named begs to state as follows.

1. That in OS No 982 of 1892-93 on the file of the Chitaldroog Munsiff, the Petr and his father claimed the Poojaru Office and the properties attached to said Office of Yerra Naik Shrine.

2 That the said Suit was dismi

3. That in Appeal Suit No 169/18 the dismissal was confirmed a

and

Civil Courts have no Jurisdiction to entertain Suits involving Poojari rights.

4. That the Petr brought a Suit on the Muzarai Side before the Amildar which was also dismissed.

5. That the District Muzarai Officer in appeal preferred to him has dismissed the appeal also in ASR No 4/96-97 on the ground that he has no jurisdiction.

6 That the Petr submits that it is a case of great hardship for the Petitioner to be tossed up from one Court to the other without his right being determined

7 That the Petr submits that the view of the District Muzarai Officer is untenable inasmuch as the determination of the question is not proved to be vested in any private individual or individuals

8. That the Shrine is a public one & as such the Muzarai Officers have to determine the rights

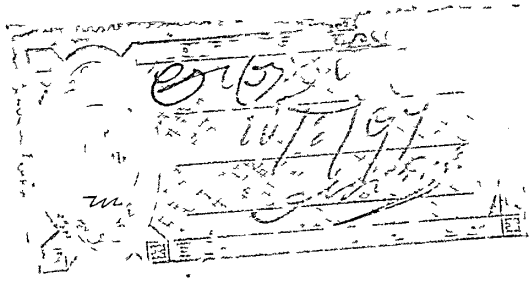
9. That the non-existence of Jos-D. which the District Muzarai Offic seems to take as the basis of the claims of this nature con

brought before Muzaroi Officers has no valid foundation.

For these reasons the Petr prays that the District Muzaroi Officer may be directed to hear evidence & to decide the case upon the merits.

Bangalore
13th May 1897

D Venkatarowmaiah
Advr. for Petr



In the Court of the Deputy Commissioner
Chitaldroog -

Before M S Narayan Rao Deputy Commr
Revenue appeal No. 4 of 1896-97.

Pujari and Kilari Bova
minor by his next friend
Obavva of Bilagatta Chitaldroog Taluk
Plaintiff & appellant

1. Sanna Papaya
2 Papaya son of Obaya
3 Peddana Kalaya
4. Hyyana Dodda Oba
5 Sanna Kala

Defendants & Respondents.

The plaintiff filed a suit in the Chitaldroog Amildars Court for a declaration of his right to be considered the Pujari of a shrine dedicated to a mahatma named Jergalanayak and for possession of property belonging to that shrine

2. The Amildar refused to entertain suit on the preliminary objection that shrine enjoys no grant or inam from G and is therefore not in any way under the control of the Inamdarayi department
Government

grounds. —

1 That the Taluk Inungarayi officer erred in the appreciation of the law referred to by the Chief Court in second appeal No 105 of 1893-94.

2. That he failed in thinking that all suits without exception for Pugari rights are to be tried by the Inungarayi department

3. That circular order No 30 dated 20th oct. 1854. issued by the late Commissioner of Mysore clearly comprises all suits for Pugari rights and does not warrant for purposes of jurisdiction any kind function whatsoever

That it is a mistake to make the matter lie in a Civil Court when it has specifically denied its jurisdiction and the Amildar's decision is clearly opposed to the standing orders of Government.

Mr Krishnarao advocate was heard for the appellant and Mr. Ananthachetty Advocate for the respondents

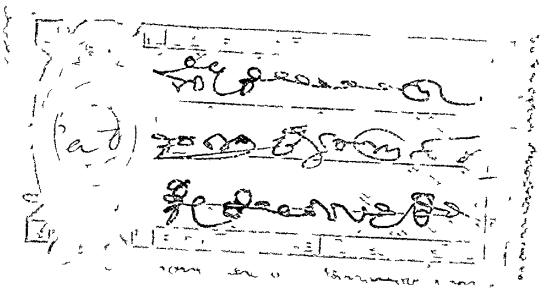
It has to be noted that the matter in dispute formed the subject of a civil suit which was dismissed in the Court of first instance and his dismissal was confirmed in appeal by the district judge of Nagar, both the presiding judges holding that Civil Courts have no jurisdiction in this case only

Muzaraji officers having jurisdiction to try cases regarding Pujari rights.

6. It is admitted on both sides that the shrine stated above does not enjoy any grant from Government and Government has therefore no control over that institution

7. The Advocate for appellant urges that it is not necessary that there should be grants to temples in order to confer jurisdiction upon Muzarai officers in respect of disputes concerning Pujari rights of those temples. The order of 1854 which is republished for guidance is also very general in its expression It prohibits the institution of suits for Pujari rights in the Courts of the division, the Amildar being empowered to enquire into them and dispose of them their decision being subject to appeal. I have however to consider not only the wording of the order but its rationale

There is an analogy in the case of ~~suits~~ suits in respect of rights to hereditary village offices such as Shanbhogi Pat These offices have attached to them emoluments granted by Governmen Suits in regard to these offices are from the Civil Courts The same p



In the Court of the District Judge
Nagar Division
Shemoga the 14th day of November 1895
Present A V Nanjundayya Esqre M A & L,
Offg District Judge
As No 169 of 1893-94

Appellants	#	Respondents
Poojare Boraya son of Boraya minor by his father & guard an Boraya		1 Nagakarnasura-ppa.
2 Kelar Boraya father of the 1st Appellant both residing at Bellaghatta Chetaldroog Taluk. (Plaintiffs)		2 Pampa 3 Peddahaiya 4 Dodda Virra 5 Rhande Rao 6 Kadder Latab deceased by representative Doddaya 7 V. Krishnaiah 8 P Peersahe 9 A. Hanmanna 10 A Kaseiah 11 Holeyya 12 Begar Bora 13 N Sannah

(Defendants.

The suit was for the declara-

1st Ch Ct Jud

of the Plaintiffs right to worship the deity and cattle described in the plaint schedule and to recover possession of the temple "belonging to the deity from the defendants.

2 The plaint was as follows:-

There is a gudi or tomb of one Surapy Geerakata nayaka belonging to Nagasa Bedar Chatteman near Belagathe in the taluq of Yalnk and in the Bedarahatti adjoining the village, there exists a thatched hut belonging to the Gudi. Plaintiff and their Ancestors have been in possession of the Gudi and shed and have been worshipping the tomb of the Nakatana whom they recognised as a deity. They were tending and taking care of the Cattle from time to time to the Gudi & the votaries They were also worshipping the cattle twice a year in front of the Gudi" and the shed

II The 1st Plaintiff was invested as Poojari (Worshipper) by the men of Gonur Katte Hone and Belagatta. As he is a child the -

Plaintiff, his father has been performing the duties of Poojari.

III Neither the defendants nor the villagers have anything to do with Pooja (worship) or tending Cattle nor have they got any right to them. 13th defendant Sannakara is the brother of the 2nd Plaintiff. He was not an installed "Poojari".

III Such being the case, the first four defendants with the rest of villagers have nominated the 13th defendant as Poojari" and deny Plaintiffs right to worship the deity and tend the Cattle. They got wrongful possession of the idols and hunt and have also got up fictitious bullocks with the object of misleading the Court.

3rd Issue

V The cause of action arose about the year 1890 at Bedara

VI The Plaintiffs therefore pray for judgment declaring Plaintiffs right to worship the deified to be of the "Mahatma" Seeraka Veerika and the Cattle and worship possession of the idol

and "Gudusalu" to Plaintiffs and further declaring that Defendants are not entitled to any of the above, with Court Costs and such other relief as the Court may deem fit to grant under the Circumstances of the Case.

3 The 1st 3rd, 4th 5th, 6th and 15th Defendants' Advocate filed the following written Statement.

I The deity called Kuruvakatarankha alluded to in the plaint belongs to the village of Belagatta It is not a temple as alleged in the plaint nor does it solely belong to Myasa Bedaru.

II The 2nd Defendants father Puliya was worshipping the deity, until his death, having been installed Poojari by the villagers. After his death, his eldest son Kariya was appointed "Poojare" and was worshipping the deity for 40 years. Sometime afterwards was afflicted with insanity 2nd Plaintiff should then have

installed but as he was a mar-
-ried man and was also wor-
-shipping the graves of deceased
Bedars, the 3d son of the said Pulaya
who is the 13th defendant Sannu-
Kata was appointed to the office.
Ever since that he has been wor-
-shipping the deity as well as the
cattle, and is in possession of the
"Gudisalu" and the ornaments etc
belonging to the deity. The villagers
appointed the 2d Plaintiff to tend
the old herd of cattle belonging to
the deity.

III About 3 years ago, the 2d Plaintiff
wanted to worship the cattle himself
The villagers did not Consent to it.
On this, he removed somewhere
the 60 or 70 heads of cattle which he
was grazing, with the object of pre-
-venting 13th defendant from wor-
-shipping them. But he returned
sometime afterwards, and ask
for license to worship the cattle & the
villagers objected to its grant, &
Consequently license was refused
The villagers then dedicated a few

5th Sheet

heads of cattle and carried out the worship.

IV 2d Plaintiff agreed to restore to the villagers the cattle belonging to the deity which he had taken away but failed to do so. The villagers therefore removed him from the office of grazing the cattle. Knowing that the defendants would sue to recover the cattle, he sued them in C.S. No 519 of 1892, but he withdrew it on the date of final hearing without any reason whatever. He has filed the present suit putting forth certain new allegations which the other suit did not contain.

V The 1st plaintiff was not installed as "poojari" & so Cd. he be so installed. Plaintiffs never worshipped the deity & nor did defendants obtain wrongful possession.

VI Plaintiffs have brought this false suit having obtained the support of some of the villagers.

The suit should be dismissed with costs.--

4 The issues were:-

I Whether 1st plaintiff is the duly installed "Poojari" of the institution, and is he entitled to sue for the properties and reliefs claimed in this suit?

II Whether 13th defendant is the duly installed "Poojari" and is he entitled to retain possession of the properties as against plaintiff?

III Whether plaintiff is entitled to recover, and if so, to what extent.

5 The Court of first instance passed a decree dismissing the plaintiff's suit with costs and directing the 2nd Plaintiff to pay defendants' cost

6 The plaintiffs appeal to this Court under the following grounds:-

I The Lower Court ought to have found that the 1st plaintiff is the duly installed Poojari of the institution and as such entitled to obtain the reliefs claimed.

II The plaintiffs have proved that the 13th defendant is not the poojari of the institution.

III The office of the poojari being hereditary the defendants have no manner of right in the matter

IV The Lower Court has not correctly appreciated the evidence in the case.

V The judgment of the Lower Court is opposed to facts and probabilities of the case

7 I find that the judgment of the Chief Court in S. A 105 of 1893-94 lays down that Civil Courts have no jurisdiction to entertain suits about poojari rights. It is true that in this case, in addition to a declaration of title to the office, possession of certain property is also sought to be obtained. If the plaintiffs' status as poojari is admitted has been declared by a Competent Court, the Civil Court would no doubt have jurisdiction to decide on the claim to possession. But the defendants deny the plaintiffs' right to the office itself. Moreover the notification of the Chief Commissioner

Commissioner in which the above decision is based uses the term poojari rights which is more comprehensive than 'poojari office'. In this case the claim to possession of the property is merely laid as necessary to the right to officiate as poojari, and unless the plaintiff gets a declaration of his title to the office from a competent tribunal, the Civil Court has no power to take cognisance of this claim.

8 On this ground, I hold that the plaintiff's suit should be dismissed and confirm the decree of the Lower Court. Each party will bear his own costs of this appeal.

(Pronounced in open Court)

14th November 1895

Sd/ H V Nanjundayya

District Judge

Nagar Dt

7th Sheet

"True Copy"

Head Record Keeper

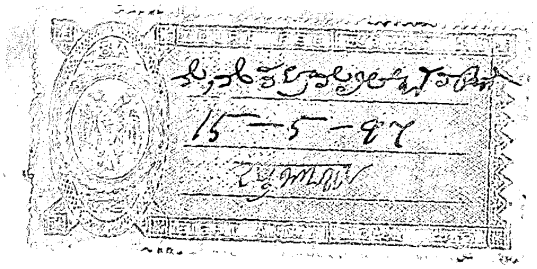
C.R.K. Nagar Division

Copy applied for by Mr. Sethu Rao
Advocate for Applt. on 20.12.95
" ready for delivery — 11-1-96
" delivered on 20-1-96.

No of words 1316

Amount 1-5--
Repayment
Mamthiah
L. Copyist

Initials
H.C. Record Keeper
Examiner's fee
0-4-8



ಕೋರ್ಟಿಗೆ.

ಸನ್ 1896ನೇ ಇಸವಿ ನಂಬರು.

ಅಡ್ವೊಕೇಟ್ ಮೆ॥ ದೇ. ವೆಂಕಟರಾಮ್ಯ್ಯನವರಿಗೆ,

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ. ಈ ಮೊಕದ್ದ ಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ, ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ, ಅರ್ಜಿ ವಗ್ಯೆರೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದ ತಕ್ಕಬಗ್ಯೊ, ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಶಿಲ್ಕು ಮೊಬಲಗೂ, ಡಿಕ್ರಿ ಮೊಬಲಗೂ ಮತ್ತು ದಸ್ತ್ರೈವಜು ವಗ್ಯೆರೆ ತೆಗದು ಕೊಂಡು ರಶೀದಿ ಕೊಡುವದಕ್ಕೂ ಸಹಾ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆಯೊದ್ದರಿಂದ, ತಾವು ನನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ.

ರುಜು

ಬೆಂಗಳೂರು,
ತಾರೀಖು 10 ನೇ ಈ 1897ನೇ ಇಸವಿ.

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿದ್ದಾರೆಯೊದ್ದರಿಂದ ನಾನು ಸರಟಿಫೈ ಮಾಡಿದ್ದೇನೆ.

ಅಂಗೀಕರಿಸಿ ಇರುತ್ತೇನೆ.

Advocate for

M. No. 111 En 1897

MYSORE DEWAN'S OFFICE,

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1736

dated 13th May 1897 received at the

Dewan's Office from Poojari Boraiyya

of Belaghatta in the Chitaldrug

Taluk (through Advocate

Mr. D. Venkatarmmayya)

is forwarded, together with its one

enclosure, to the Dy Commissioner

Chitaldrug District

for submission of the

records connected with

the Case

By order,

Asst. Secretary.

BANGALORE,

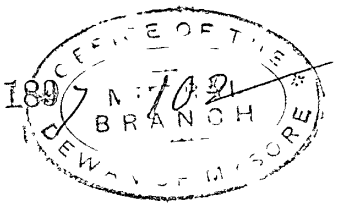
The 14/6/97 189

17/7/97

From the Tamil no 141 d/9/8/97

M.G.O.P.B.—20-6-94—1,000.

Gen. 31.]



From The Deputy Commissioner
Chitaldrug District

To

The Secretary to the
Government ~~Dewan~~ of Mysore.
~~General and Revenue~~
Mysore Departments.

Dated 9th August 1897.

Despatched

Received

General No. 1410
No. 5.

Enclosure No. 2. with 2 files of Records sent Separately.

With reference to his Official Memorandum No 111 dated 17th July last, I have the honor to submit herewith entire records connected with Appeal No 4 of 1896-97 regarding the Poojari Rights of Boriya of Belagatta, Chitaldrug Taluk.

The appeal petition and its enclosures are resubmitted.

I have the honor to be
Sir
Your most obedient
& most humble servant
Deputy Commissioner

Received 21 August 1897

To Shamanna Shastri, Esq.
Aug 16 1897

1 One file of original Taluk Records, Mis No 2 of 1896-97.
1 One file of appeal Records Case No 4 of 1896-97.
1 Appeal petition No 1736 (resubmitted)

3 files.

To the Same No 652-60 9/12/97

Read:—

Petn: No 1736 d/13th May 1897 from Pujari Boriah minor (thro' his next friend Obava) of Belaghatta, Chitaldrug Taluk, appealing against the Dy Commrs order d/4th March 1897 dismissing the Petrs suit for a declaration of his right to the Pujarishipt of the Shrine of Soore Yeeragata-nayaka in Belaghatta & to the possession of certain properties belonging to it.

Read:—

The following order ~~No~~ d/4th March 1897 passed by the Dy Commr: of Chitaldrug ~~dismissing~~ in ~~the~~ Petrs ~~suit~~ relative case

~~the Petrs suit~~:—

Petn filed.

× × ×

× × with costs—

Read also:—

The following Proc: of Govt: No C 25-34 d/14th March 1895:—

× × ×

Order thereon. The Shrine of Soore Yeeragata-nayaka in Belaghatta does not enjoy any grant from Govt either in cash or land and it is therefore not a Muzr: Instn

The invariable custom has been for the Government in the Muzarai department to decline jurisdiction with regard to such institutions ~~which are not Hindu institutions that is institutions which enjoy a grant from Government in cash or land~~. Sir Mark Cubbon's order of 26th October 1854 must be construed by the light of that custom and indeed the latter part of that order expressly shews that the whole order was meant to apply to "Muzarai affairs which then used to be managed in the Commissioner's

under the Pot-Poo and above,

(8)

Huzur and the affairs of non-Muzrai institutions like the one now in question were never as a matter of fact managed in the Commissioners' Huzur in 1854 or at any other time. Under such circumstances the decision of the Deputy Commissioner that the Muzrai Departt has no jurisdiction under the order of 26th October 1854 to adjudicate regarding Pujari rights of a non-Muzrai temple must be confirmed and this appeal rejected.

6. The Officiating District Judge's Judgment in M.S. No 169 of 1893-94 does not shew that the fact of the temple in question being a non-Muzrai institution had ever been brought to his notice nor did the present appellant seek a final adjudication by the Chief Court upon the decision of the Officiating District Judge. Under such circumstances if the present appellant has been prejudiced by the Officiating District

Judge

(9)

Judges decision, this has been due to his own neglect and the Government cannot now afford him any redress.

By
Trans: Secretary.

To. The Deputy Commissioner Chitaldrug District returning records.
" Deputy Commissioners of Taluk Districts for information.
" Registrar, Chief Court of Mysore, for information.

Endorsement to Petr in terms of the above order

1897-98

GOVERNMENT OF MYSORE

MUZRAI

PROCEEDINGS

Dated 1*st December* 1897

No. 652-60

Observing that institutions which do not enjoy any grant from Government either in cash or land are not Muzrai institutions.

M.G.C.P.B.—16-12-97—120

READ :—

Petition No. 1736, dated 13th May 1897, from Pujari Boraiya (minor, through his next friend Obava) of Belaghatta, Chitaldrug taluk, appealing against the Deputy Commissioner's order, dated 4th March 1897, dismissing the petitioner's suit instituted in the Court of the Amildar of Chitaldrug in the Muzrai side, for a declaration of his right to the Pujarishup of the shrine of Sure Yeragatanayaka in Belaghatta and to the possession of certain properties belonging to it.

READ :—

The following order, dated 4th March 1897, passed by the Deputy Commissioner of Chitaldrug in the petitioner's case :—

The plaintiff filed a suit in the Chitaldrug Amildar's Court for a declaration of his right to be considered the pujari of a shrine dedicated to a Mahatma named Yeragaiaayaka and for possession of property belonging to that shrine.

2. The Amildar refused to entertain the suit on the preliminary objection that the shrine enjoys no grant or inam from Government and is therefore not in any way under the control of the Muzrai Department of Government.

3. The appellant now appeals against the said order of the Amildar.

4. Mr. Krishna Rao, Advocate, was heard for the appellant and Mr. Anantha Chetti, Advocate, for the respondents.

5. It has to be noted that the matter in dispute formed the subject of a civil suit which was dismissed in the Court of first instance and this dismissal was confirmed in appeal by the District Judge of Nagar, both the presiding Judges holding that Civil Courts have no jurisdiction in this case, only Muzrai Officers having jurisdiction to try cases regarding pujari rights.

6. It is admitted on both sides that the shrine stated above does not enjoy any grant from Government, and Government has therefore no control over that institution.

7. The Advocate for appellant urges that it is not necessary that there should be grants to temples in order to confer jurisdiction upon Muzrai Officers in respect of disputes concerning pujari rights of those temples. The Order of 1854, which is re-published for guidance, is also very general in its expression. It prohibits the institution of suits for pujari rights in the Courts of the Division, the Amildars being empowered to enquire into them and dispose of them, their decision being subject to appeal. I have, however, to consider not only the wording of the order but its *rationale*.

8. There is an analogy in the case of suits in respect of rights to hereditary village offices, such as Shanbhogi, Pateli, &c. These offices have attached to them emoluments granted by Government. Suits in regard to these offices are excluded from the Civil Courts. The same policy that led to the exclusion of this class of suits from the ordinary Civil Courts has also, I am of opinion, led to the exclusion of cases regarding pujari rights from those Courts; and although the words "Pujari rights concerning temples enjoying grants from Government" are not expressly mentioned in the order, the words actually used have to be construed to bear that meaning. Otherwise, the result will be that Revenue Officers having Muzrai functions will be called upon to adjudicate cases regarding institutions not under their control, and in which they are, for that reason, not competent to execute the orders passed by them. The shrine in dispute is a private one belonging to a community who have evidently a right to dispose of the pujarishup and other affairs concerning it in the way they think best. I consider Muzrai Officers have no right to interfere with the exercise of that right.

9. I am, therefore, of opinion that the suit has been rightly dismissed by the Taluk Amildar. The appeal is dismissed with costs.

READ ALSO :—

The following Circular Order No. 30, dated the 26th October 1854, issued by the late Commissioner Lieutenant-General Sir Mark Cubbon regarding suits for pujari rights.

Circular.

No. 30.

To.

The Superintendents of Divisions.

Sir,

I have the honor by desire of the Commissioner to request that you will have the goodness to cause the necessary instructions to be issued to the Amildars prohibiting the institution of suits for pujari rights in the Courts of your division, but the Amildars may enquire into such disputes * * * * and decide them, and that these decisions may be appealed against to the Commissioner's Huzur where the Muzrai affairs are managed.

I have the honor, &c.,

(Sd.) F. CUNNINGHAM,
Secretary.

BANGALORE, 26TH OCTOBER 1854.

Muzrai, dated 1st December 1897.

No. 652—60, dated, Bangalore, 1st December 1897.

Order thereon.—The shrine of Sure Yeragatanayaka in Belaghatta does not enjoy any grant from Government either in cash or land and it is therefore not a Muzrai institution. The invariable custom has been for the Government in the Muzrai Department to decline jurisdiction with regard to such non-Muzrai institutions. Sir Mark Cubbon's Circular Order of 26th October 1854, read above must be construed by the light of that custom; and indeed, the latter part of that order expressly shows that the whole order was meant to apply to "Muzrai affairs" which then used to be managed in the Commissioner's Huzur; and the affairs of non-Muzrai institutions like the one now in question were never, as a matter of fact, managed in the Commissioner's Huzur in 1854, or at any other time. Under such circumstances, the decision of the Deputy Commissioner that the Muzrai Department has no jurisdiction under the Order of 26th October 1854 to adjudicate regarding pujari rights of a non-Muzrai temple must be confirmed and this appeal rejected.

2. The Officiating District Judge's Judgment in A. S. No. 169 of 1893-94, does not show that the fact of the temple in question being a non-Muzrai institution had ever been brought to his notice; nor did the present appellant seek a final adjudication by the Chief Court upon the decision of the Officiating District Judge. Under such circumstances if the present appellant has been prejudiced by the Officiating District Judge's decision, this has been due to his own neglect and the Government cannot now afford him any redress.

Muzrai Secretary.

To—The Deputy Commissioner, Chitaldrug District, returning records.
The Deputy Commissioners of other Districts, for information.
The Registrar, Chief Court of Mysore, for information.

Exd.—H.A.R.

Office of Govt of Mysore
Muzrai Deptt.

Bangalore 20/21 Decr 1897.

No 746

Endorsement granted to Pujari Boraya of Belaghatta, Chikaldrug Taluk in reply to his Petition Registered No 1736 dated 13th May 1897 appealing against the Deputy Commissioner's order dated 4th March 1897 dismissing the Petitioner's suit for a declaration of his right to the Pujarishp of the shrine of Sree Yeragatanayaka in Belaghatta and to the possession of certain properties belonging thereto.

Petitioner as

informed that as the shrine of Sura Jeranagatanayaka in Belaghatta does not enjoy any grants from Govt. either in cash or land, it can not be regarded as a Muzrai Institution and the Dy Comr has therefore acted rightly in dismissing the Petitioners' suit instituted in the Muzrai side. The Petitioners appeal is accordingly rejected.

2. The Offg. Dt. Judge's

judgment in A.S. No 169 of 1893-4, copy of which has been filed by the petitioner, does not show that the fact of the temple in question being a non-Muzrai institution had ever been brought to his notice; nor did the present appellant seek a final adjudication by the Chief Court upon the decision of the Off.g Dt. Judge. Under such circumstances if the present appellt has been prejudiced by the Off.g Dt. Judge's decision, this has been due to his own neglect and

the Govt cannot
now afford him
any redress.

By order

Tavi draft

Muzrai SE